

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**THE PRUDENTIAL INSURANCE)
COMPANY OF AMERICA)**

Plaintiff,

v.

**MARY L. HOYT and)
MARGARET C. POLOVICH)**

Defendants.)

No. 3:07-cv-00860-DRH-PMF

**Chief Judge David R. Herndon
Mag. Judge Philip M. Frazier**

JUDGMENT

This cause coming to be heard on the Motion for Judgment by the Defendant, MARY L. HOYT, by her attorney, DELANO LAW OFFICES, LLC for entry of a Judgment, due notice having been given, and good cause appearing:

IT IS ORDERED, ADJUDGED, AND DECREED THAT:

1. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1335, and venue is proper in this Court pursuant to 28 U.S.C. § 1397.
2. This Court has personal jurisdiction over the Parties to this matter.
3. The Plaintiff's Complaint related to rival, adverse, and conflicting claims by and between Defendants, MARY L. HOYT

and MARGARET C. POLOVICH relating to death benefits payable under Plaintiff's life insurance policy (No. 76 053 244) ("Policy"), which Policy insured the life of GEORGE J.

POLOVICH, deceased, and Plaintiff sought to discharge its admitted liability without exposing itself to multiple liability or multiple litigation or both.

4. In accordance with the Court's December 21, 2007 Order [Doc. 7], Plaintiff has deposited with the Clerk of the Court \$25,843.20, which amount is the \$23,443.46 death benefit plus accrued interest ("FUNDS").
5. That the Defendant, MARY L. HOYT, has filed her Answer to Plaintiff's Complaint and set forth her claim to the funds.
6. That Plaintiff has filed a Motion for Entry of Order of Default Against the Defendant, POLOVICH, and the Defendant, MARY L. HOYT has acquiesced in said Motion.¹
7. That the Defendant, MARGARET C. POLOVICH, having failed to appear the only party entitled to the funds is the Defendant,

¹On April 21, 2008, Magistrate Judge Frazier entered an Order granting Hoyt's motion to strike notice of appearance by Andrew M. Polovich on behalf of Margaret C. Polovich and striking entry of appearance at Doc. 26 (Doc. 30). Magistrate Judge Frazier also stayed this matter for thirty days to allow Andrew Polovich further opportunity to seek counsel to represent the interests of Margaret C. Polovich in this litigation. On June 6, 2008, Magistrate Judge Frazier lifted the stay (Doc. 31). As of this date, Margaret C. Polovich has not had an attorney enter an appearance on her behalf.

MARY L. HOYT.

8. Motion for Judgment filed by the Defendant, MARY L. HOYT is
GRANTED.
9. That the Clerk of the Court is directed to distribute the Funds
to the Defendant, MARY L. HOYT.

Dated this 6th day of June, 2008.

/s/ David R. Herndon

Chief Judge
United States District Court